

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,

Plaintiff,

vs.

Jacob Bradley Demarais,

Defendant.

Case No. 1:21-cr-00130

ORDER GRANTING MOTION TO CONTINUE TRIAL

[¶1] THIS MATTER comes before the Court on a Motion to Continue Trial filed by the Defendant on December 20, 2021. Doc. No. 31. Trial is scheduled in this matter for January 18, 2022. This is the second request to continue for the Defendant.

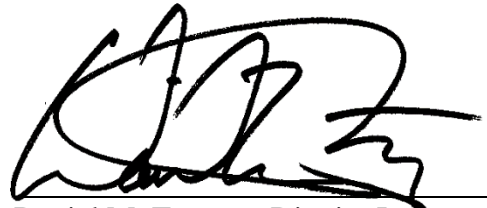
[¶2] As grounds for the request, Defense Counsel states he has recently secured an expert witness in this matter. With this, he asserts additional time is needed to develop this matter for trial given the nature of the case. Defense Counsel asserts the Defendant has been informed of this Motion and understands the delay in trial is excluded from calculation under the Speedy Trial Act. He has previously signed a Waiver of Speedy Trial Rights. Doc. No. 27.

[¶3] Upon consideration, the Court finds there is good cause to continue the trial, and “the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial” pursuant to 18 U.S.C. § 3161(h)(7)(A). See United States v. Lucas, 499 F.3d 769, 782-83 (8th Cir. 2007); United States v. Hohn, 8 F.3d 1301, 1305 (8th Cir. 1993); United States v. Driver, 945 F.2d 1410, 1414 (8th Cir. 1991). Accordingly, the Court **GRANTS** the Defendant’s Motion to Continue Trial.

[¶4] Trial in this matter shall be rescheduled for Tuesday, May 24, 2022, at 9:30 a.m. in Bismarck Courtroom 1 before the undersigned. A three (3) day trial is anticipated. All time that elapses from the date of this Order until trial shall be excluded from any Speedy Trial Act calculation. See 18 U.S.C. § 3161(h)(7)(A) and 18 U.S.C. § 3161(h)(7)(B).

[¶5] **IT IS SO ORDERED.**

DATED December 21, 2021.

A handwritten signature in black ink, appearing to read 'D. Traynor', is written over a horizontal line.

Daniel M. Traynor, District Judge
United States District Court